

## REMARKS

### **I. General**

Claims 1-3, 5-9, 11-15 and 17-22 are pending in the present application. Claims 1, 7, 13, 19, 20, and 22 are amended. The issues in the current Office Action are as follows:

- Claim 22 is objected to.
- Claims 13-18 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.
- Claims 1, 5, 7, 11, 13, 17 and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent Publication No. EP 1,051,045 (hereinafter *Daly*).
- Claims 2, 3, 8, 9, 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daly* in view of US 5,528,295 (hereinafter *Wagner*).
- Claims 6, 12 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daly* in view of US 5,347,378 (hereinafter *Handschy*).
- Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daly* in view of *Wagner*, and further in view of *Handschy*.
- Claims 21 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daly* in view of US 6,667,471 (hereinafter *Bos*).

Applicant thanks the Examiner for the courtesy and professionalism shown thus far. Applicant hereby traverses the rejections and requests reconsideration and withdrawal in light of the remarks contained herein.

## **II. Claim Amendments**

Claim 1 is amended to recite, in part, “said function causing said spectral bands to be combined using at least one of: adding and weighted combining.” Support may be found, at least, at page 8, lines 5-18 of the original disclosure. Thus, no new matter is added.

Claim 7 is amended to recite, in part, “said function selected from a list consisting of: an adding function, a dividing function, and a weighting function.” Support may be found, at least, at page 8, lines 5-18 of the original disclosure. Thus, no new matter is added.

Claim 13 is amended to delete the term “and software.” Claim 13 is also amended to recite, in part “said function causing said spectral bands to be combined using at least one of: adding and weighted combining” Support may be found, at least, at page 8, lines 5-18 of the original disclosure. No new matter is added.

Claim 19 is amended to recite, in part, “said function selected from a list consisting of: an adding function, a dividing function, and a weighting function.” Support may be found, at least, at page 8, lines 5-18 of the original disclosure. Thus, no new matter is added.

Claim 20 is amended to recite, in part, “said function causing said spectral bands to be combined using at least one of: adding and weighted combining.” Support may be found, at least, at page 8, lines 5-18 of the original disclosure. Thus, no new matter is added.

Claim 22 has been amended to depend from claim 7. Since this amendment merely fixes a readily-apparent error, no new matter is added.

## **III. Claim Objections**

On page 4, claim 22 is objected to due to lack of clarity and precision, as well as dependency. Applicant thanks the Examiner for bringing this to attention and has amended claim 22 to increase its clarity and correct dependency. Accordingly, withdrawal of the objection is respectfully requested.

#### **IV. Claim Rejections**

##### **A. Non-Statutory Subject Matter**

On pages 4-5, claims 13-18 are rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Specifically, the Examiner objects to the term “software” without more modification. While Applicant believes that claim 13, as written, is correct, Applicant amends claim 13 to delete the term “software” in order to advance prosecution. Withdrawal of the rejection is respectfully requested.

##### **B. Rejection over *Daly***

On pages 5-14, claims 1, 5, 7, 11, 13, 17 and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Daly*.

Amended claim 1 recites, in part, “said function causing said spectral bands to be combined using at least one of: adding and weighted combining.” It is respectfully asserted that *Daly* does not teach at least this feature of claim 1. Specifically, it appears that the Office Action points to the filters 106, 108, 110, 122, 114, and 116 (or the filtered signals, themselves) to show the claimed function. However, *Daly* does not teach that the filters cause the spectral bands to be combined, much less by adding or weighted combining. Therefore, the filters 106, 108, 110, 122, 114, and 116 do not teach the above-recited feature of claim 1.

Further, combiner 118 of *Daly* does not teach the above-recited feature of claim 1. It is noted that *Daly* simply asserts that the images are combined from fields into frames, but *Daly* does not appear to teach specifically how the combining is performed by the system of FIGURE 8. Therefore, it is believed that *Daly* does not teach “causing said spectral bands to be combined using at least one of: adding and weighted combining,” as recited by claim 1.

Amended claim 7 recites, in part, “said function selected from a list consisting of: an adding function, a dividing function, and a weighting function.” It is believed that the cited portions of *Daly* do not teach this feature of claim 7. Specifically, *Daly* does not teach that filters 106, 108, 110, 122, 114, and 116 (FIGURE 8) include an adding function, a dividing function, or

a weighting function. Therefore, the filters of *Daly* do not teach such feature. Further, combiner 118 of *Daly* does not teach the above-recited feature of claim 7. It is noted that *Daly* simply asserts that the images are combined from fields into frames, but *Daly* does not appear to teach specifically how the combining is performed by the system of FIGURE 8. Therefore, it is believed that *Daly* does not teach the above-recited feature of claim 7.

Amended claim 13 recites, in part, "said function causing said spectral bands to be combined using at least one of: adding and weighted combining." It was shown above with respect to claim 1 that such feature is not taught by the cited portions of *Daly*. Therefore, while claims 1 and 13 have differing scopes, it is believed that claim 13 is patentable at least for the same reason articulated above for claim 1.

Amended claim 19 recites, in part, "said function selected from a list consisting of: an adding function, a dividing function, and a weighting function." It was shown above with respect to claim 7 that such feature is not taught by the cited portions of *Daly*. Therefore, while claims 7 and 19 have differing scopes, it is believed that claim 19 is patentable at least for the same reason articulated above for claim 7.

For at least the above reasons, *Daly* fails to anticipate independent claims 1, 7, 13, and 19 of the present application. Dependent claims 5, 11, and 17 depend either directly or indirectly from claims 1, 7, and 13, thus inheriting all the limitations of their respective independent claims. As noted above, *Daly* does not teach every element of independent claims 1, 7 and 13. Consequently, *Daly* also fails to teach every element of dependent claims 5, 11, and 17. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 102 rejection of claims 1, 5, 7, 11, 13, 17 and 19.

### **C. Rejection over *Daly* in view of *Wagner***

On pages 14-22, claims 2, 3, 8, 9, 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daly* in view of *Wagner*.

Dependent claims 2, 3, 8, 9, 14 and 15 each depend either directly or indirectly from respective independent claims 1, 7, and 13 and, thus, inherit all of the limitations of their respective independent claims. Thus, *Daly* does not teach or suggest all claim limitations of claims 2, 3, 8, 9, 14 and 15. Further, the Office Action does not rely on *Wagner* to show the features of the independent claims, such that the combination of *Daly* and *Wagner* does not appear to teach or suggest all features of claims 2, 3, 8, 9, 14 and 15. It is respectfully submitted that dependent claims 2, 3, 8, 9, 14 and 15 are allowable at least because of their dependence from their respective base claims for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103 rejection of claims 2, 3, 8, 9, 14 and 15.

**D. Rejection over *Daly* in view of *Handschy***

On pages 22-27, claims 6, 12 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daly* in view of *Handschy*.

Dependent claims 6, 12 and 18 each depend either directly or indirectly from respective independent claims 1, 7, and 13 and, thus, inherit all of the limitations of their respective independent claims. Thus, *Daly* does not teach or suggest all claim limitations of claims 6, 12 and 18. Further, the Office Action does not rely on *Handschy* to show the features of the independent claims, such that the combination of *Daly* and *Handschy* does not appear to teach or suggest all features of claims 6, 12 and 18. It is respectfully submitted that dependent claims 6, 12 and 18 are allowable at least because of their dependence from their respective base claims for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103 rejection of claims 6, 12 and 18.

**E. Rejection over *Daly* in view of *Wagner*, and further in view of *Handschy***

On pages 27-32, claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daly* in view of *Wagner*, and further in view of *Handschy*.

Amended claim 20 recites, in part, "said function causing said spectral bands to be combined using at least one of: adding and weighted combining." It was shown above with respect to claim 1 that such feature is not taught by the cited portions of *Daly*. Therefore, while claims 1 and 20 have differing scopes, it is believed that claim 20 is patentable at least for the same reason articulated above for claim 1. Further, the Office Action does not rely on *Wagner* or *Handschy* to show above-recited feature of claim 20, such that the combination of *Daly*, *Wagner*, and *Handschy* does not appear to teach or suggest all features of claim 20. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103 rejection of claim 20.

**F. Rejection over *Daly* in view of *Bos***

On pages 32-33, claims 21 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daly* in view of *Bos*.

Dependent claims 21 and 22 each depend either directly or indirectly from respective independent claims 1 and 7 and, thus, inherit all of the limitations of their respective independent claims. Thus, *Daly* does not teach or suggest all claim limitations of claims 21 and 22. Further, the Office Action does not rely on *Bos* to show the features of the independent claims, such that the combination of *Daly* and *Bos* does not appear to teach or suggest all features of claims 21 and 22. It is respectfully submitted that dependent claims 21 and 22 are allowable at least because of their dependence from their respective base claims for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103 rejection of claims 21 and 22.

**V. Conclusion**


Applicant respectfully requests that the Examiner reconsider this rejection in view of the amendments made to the claims of the present application. In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 46030/P045US/10407184 from which the undersigned is authorized to draw.

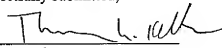
Dated: December 10, 2007

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.8(b)(4).

Dated: December 10, 2007

Signature:   
Donna Dobson

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